

Amendment No. 1 to HB0238

**Curcio
Signature of Sponsor**

AMEND Senate Bill No. 328

House Bill No. 238*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Student Protection and Zone Equity Act."

SECTION 2. Tennessee Code Annotated, Section 39-17-418(b), is amended by deleting the subsection and substituting instead the following:

(b)

(1) It is an offense for a person to distribute a small amount of marijuana not in excess of one-half (1/2) ounce (14.175 grams).

(2) It is an offense for a person to possess with intent to manufacture or sell a small amount of marijuana not in excess of one-half (1/2) ounce (14.175 grams).

(3) It is an offense for a person to sell a small amount of marijuana not in excess of one-half (1/2) ounce (14.175 grams).

SECTION 3. Tennessee Code Annotated, Section 39-17-432(b)(1), is amended by deleting the subdivision and substituting instead the following:

(1)

(A) Except as provided in subdivision (b)(1)(B), a violation of, or a conspiracy to violate, § 39-17-418(b)(2) or (b)(3) or § 39-17-417 that occurs on the grounds or facilities of any school or within one thousand feet (1,000') of the real property that comprises a public or private elementary school, middle school, secondary school, preschool, or child care agency, or public library, recreational

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center, or park shall be punished one (1) classification higher than is provided in § 39-17-417(b)-(i) or § 39-17-418 for such violation.

(B) In any county having a population of three hundred thousand (300,000) or more, according to the 2010 federal census, or any subsequent census, a violation of, or a conspiracy to violate, § 39-17-418(b)(2) or (b)(3) or § 39-17-417 that occurs on the grounds or facilities of any school or within five hundred feet (500') of the real property that comprises a public or private elementary school, middle school, secondary school, preschool, or child care agency, or public library, recreational center, or park shall be punished one (1) classification higher than is provided in § 39-17-417(b)-(i) or § 39-17-418 for such violation.

SECTION 4. Tennessee Code Annotated, Section 49-2-116(c), is amended by deleting the subsection and substituting instead the following:

(c)

(1) Except as provided in subdivision (c)(2), a school safety zone is the territory located within one thousand feet (1,000') of school property.

(2) In any county having a population of three hundred thousand (300,000) or more, according to the 2010 federal census or any subsequent federal census, a school safety zone is the territory located within five hundred feet (500') of school property.

SECTION 5. Tennessee Code Annotated, Section 49-2-116(d), is amended by deleting the subsection and substituting instead the following:

(d) The director of schools, with the approval of the board of education, may develop a method of marking school safety zones, including the use of signs. Signs or other markings must be located in a visible manner on or near each school indicating that such area is a school safety zone, that such zone extends the applicable amount of feet from school property as described in subsection (c), and that the delivery or sale of a controlled substance or controlled substance analogue to a minor in the school safety zone will subject the offender to an enhanced punishment. The state board of education shall assist the LEA in complying with the posting provisions of this subsection (d).

SECTION 6. This act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to offenses occurring on or after that date.